

18. The kit of claim 17 and further comprising a container for containing the image transfer sheet and the substrate.

19. (Amended) The kit of claim 17 wherein the substrate is selected from the group consisting of a [-]shirt, towels, clothing, sheets, and napkins.

20. (Amended) An image transfer layer comprising an image imparting layer, the image imparting layer comprising co-extruded layers of ethylene methlacrylate copolymers and Surlyn®.

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on March 1, 2002, and the references cited therewith.

Claims 1, 14, 15, 17, 19 and 20 are amended, claims 2, 6-9, 12 and 21 are canceled; as a result, claims 1, 3-5, 10, 11 and 14-20 are now pending in this application.

Objections to the Specification

The Examiner objected to informalities related to use of the term "NUCREL," "terpolymer" and "ethylene/acrylic ester/maleic anhydride." The Applicant has amended the specification to make the changes indicated. The Applicant believes that this amendment introduces no new matter into the specification but is a correction of spelling and punctuation errors. The Applicant thanks the Examiner for identifying these mistakes.

§112 Rejection of the Claims

Rejection Under 112, First Paragraph:

The Examiner has rejected claims 8, 9 and 12 under Section 112, first paragraph, because, "the specification does not teach or suggest compositions of the primer or second ink-receiving layers..." The Applicant has cancelled claims 8, 9 and 12.

Rejection Under 112, Second Paragraph:

The Examiner rejected claims 6, 7, 8, 9, 13 and 21 under 112, second paragraph: The Applicant has cancelled these claims.

Remaining grounds of rejection based upon Section 112 have been addressed in the amendment of claims. The Applicant does not understand what the Examiner regards as “ambiguous” about claim 20 and respectfully requests additional information.

§102 Rejection of the Claims

The Examiner has rejected claims 1, 4, 6, 7, 10, 11, 13, 14, 17 and 19 under 35 U.S.C. 102(b) as being anticipated by Yamane, US 5350474. In order to anticipate a claim, a reference must have each and every element in the claim. Claims 1, and 17 and claims depending from 1 and 17, of the present invention describe an adhesive layer that permits transfer of an image to a substrate without application of heat. All of the embodiments described in the Yamane reference describe a use of heat to complete image transfer. The claims of the present invention describe pressure-sensitive adhesives in the image transfer sheet. The pressure-sensitive adhesives do not require heat for image transfer and maintenance on a substrate such as cloth. This type of image transfer sheet is not described in Yamane. Because Yamane does not include each and every element of claim 1, the reference does not anticipate claims 1 and 17 and claims depending from claim 1 and 17.

The Examiner has rejected claims 1-14 as being anticipated by Mientus, US 6106982. Column 6 of the Mientus patent describes an “image receptor laminate” that includes a carrier sheet, a dielectric layer overlying the carrier sheet, and a release coating overlying the dielectric layer. The dielectric layer does not include an ethylene copolymer. The present invention claimed includes a base layer, a release layer overlying the base layer, an adhesive layer overlying the release layer, an ethylene copolymer layer overlaying the adhesive layer and at least one image receiving layer over that. This arrangement is not contemplated by Mientus. Columns 13 and 14 of the Mientus patent describe a base layer with a release coating and an adhesive over the release coating. However, the Mientus patent does not describe an image-imparting layer that

includes ethylene copolymer layer over the adhesive and an ink-receiving primer layer over the ethylene copolymer layer. The reference to ethylene copolymer in the Mientus patent is as a protective layer—the image in the Mientus device is in one or more of the base layer, the release layer or the adhesive, not the protective layer. Thus, the Mientus does not anticipate what is claimed or render the present invention obvious.

Furthermore, the Mientus patent describes an images receptor laminate as having use for “traffic signs, recreational vehicles, boats, trucks, and auto license plates, as well as for architectural and promotional graphics.” The patent does not describe an image receiving substrate that is fibrous, as is claimed in the present invention.

§103 Rejection of the Claims

Claim 18 was rejected under 35 USC § 103(a) as being unpatentable over Yamane, as applied to claims 1, 4, 6, 7, 10, 11, 13, 14, 17 and 19 above, either alone or in view of Hare (US 4,224,358).

Claims 17-20 were rejected under 35 USC § 103(a) as being unpatentable over Mientus, as applied to claims 1-14 above, either alone or in further view of Hare (US 4,224,358).

Claim 21 was rejected under 35 USC § 103(a) as being unpatentable over Mientus, as applied to claims 1-14 above, in view of Surlyn® Product Bulletin. Claim 21 has been cancelled.

Claims 1, 15 and 16 were rejected under 35 USC § 103(a) as being unpatentable over Kronzer (US 5,271,990) in view of either the Photopia® or Chromicolor® Product Bulletins.

All of the embodiments described in the Yamane reference describe a use of heat to complete image transfer. The claims of the present invention describe pressure-sensitive adhesives in the image transfer sheet. The pressure-sensitive adhesives do not require heat for image transfer and maintenance on a substrate such as cloth. This type of image transfer sheet is not described in Yamane. Because Yamane does not include each and every element of claim 1, the reference does not anticipate claims 1 and 17 and claims depending from claim 1 and 17. Combination of Yamane with Hare to remedy this situation does not render claim 18 obvious because the Hare reference does not describe an image transfer sheet such as is claimed either.

Column 6 of the Mientus patent describes an “image receptor laminate” that includes a carrier sheet, a dielectric layer overlying the carrier sheet, and a release coating overlying the dielectric layer. The dielectric layer does not include an ethylene copolymer. The present invention claimed includes a base layer, a release layer overlying the base layer, an adhesive layer overlying the release layer, an ethylene copolymer layer overlaying the adhesive layer and at least one image receiving layer over that. This arrangement is not contemplated by Mientus. Columns 13 and 14 of the Mientus patent describe a base layer with a release coating and an adhesive over the release coating. However, the Mientus patent does not describe an image-imparting layer that includes ethylene copolymer layer over the adhesive and an ink-receiving primer layer over the ethylene copolymer layer. The reference to ethylene copolymer in the Mientus patent is as a protective layer—the image in the Mientus device is in one or more of the base layer, the release layer or the adhesive, not the protective layer. Thus, the Mientus does not describe what is claimed or render the present invention obvious.

Furthermore, the Mientus patent describes an images receptor laminate as having use for “traffic signs, recreational vehicles, boats, trucks, and auto license plates, as well as for architectural and promotional graphics.” The patent does not describe an image receiving substrate that is fibrous, as is claimed in the present invention

The Kronzer patent refers to “heat transfer paper.” As acknowledged by the Examiner, the Kronzer patent does not have an adhesive component as is claimed. The Krozer patent does not contemplate the cold peel process made possible by the image transfer sheets and kit of the present invention. Combining Kronzer with the Product Bulletins does not remedy this deficiency. Combining Kronzer with the Product Bulletins renders a heat transfer paper with color obvious. It does not render the adhesive-containing, cold-peel transfer of the present invention obvious.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone

Applicant's attorney (612-373-6976) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 30th day of August, 2002.

Candis B. Buending

Name

Signature